

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 20, 2020

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Earl Anderson, III

Case Number: 0980 2:16CR00037-TOR-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge

Date of Original Sentence: September 7, 2016

Original Offense: Failure to Register, 18 U.S.C. § 2250

Original Sentence: Prison - 30 months Type of Supervision: Supervised Release
TSR - 60 months

Revocation Sentence: Prison - 6 months
(May 2, 2019) TSR - 48 months

Asst. U.S. Attorney: Patrick J. Cashman Date Supervision Commenced: October 15, 2019

Defense Attorney: Matthew A. Campbell Date Supervision Expires: October 14, 2023

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 12/11/2019 and 01/24/2020.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Standard Condition # 2: After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant must report to the probation officer as instructed.

Supporting Evidence: Mr. Anderson failed to report to the probation office as directed on February 14 and 18, 2020.

On February 13, 2020, the undersigned officer left Mr. Anderson a voice mail and a text message directing him to call this officer. After receiving no response from Mr. Anderson, the undersigned officer sent another text message that evening directing him to report to the probation office the following day, February 14, 2020.

On February 14, 2020, the undersigned officer again attempted to contact Mr. Anderson via phone with negative results. He did not report as directed.

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On February 18, 2020, Mr. Anderson sent this officer a text message at 5:41 a.m. He stated he received the undersigned officer's message and would be in the probation office that morning. This officer responded and directed him to report at 8 a.m. He failed to report as directed.

On October 16, 2019, Mr. Anderson signed his conditions relative to case number 2:16CR00037-TOR-1 acknowledging an understanding of his obligations to the Court. Specifically, he was advised of all mandatory, standard, and special conditions of his supervised release.

- 5 **Standard Condition # 9:** If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

Supporting Evidence: On February 11, 2020, Mr. Anderson had law enforcement contact and failed to notify the undersigned officer within 72 hours.

On February 13, 2020, the undersigned officer learned that Mr. Anderson was pulled over for a traffic stop on February 11, 2020, by the Spokane County Sheriff's Office. Mr. Anderson has yet to notify the undersigned about his contact with law enforcement.

On October 16, 2019, Mr. Anderson signed his conditions relative to case number 2:16CR00037-TOR-1 acknowledging an understanding of his obligations to the Court. Specifically, he was advised of all mandatory, standard, and special conditions of his supervised release

- 6 **Special Condition # 3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Anderson is alleged to have used marijuana on or about February 6 and 17, 2020.

On February 11, 2020, Mr. Anderson provided a urine sample at Pioneer Human Services that was positive for marijuana. He admitted to using marijuana on February 6, 2020, and signed a drug use admission form. On February 20, 2020, Mr. Anderson reported to the probation office and when asked to submit to a urinalysis test, he admitted to using marijuana on February 17, 2020.

On October 16, 2019, Mr. Anderson signed his conditions relative to case number 2:16CR00037-TOR-1 acknowledging an understanding of his obligations to the Court. Specifically, he was advised of all mandatory, standard, and special conditions of his supervised release.

- 7 **Special Condition # 3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

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Supporting Evidence: Mr. Anderson is alleged to have used methamphetamine on or about February 24, 2020.

On February 24, 2020, Mr. Anderson reported to the Spokane Residential Reentry Center (RRC) at the direction of the undersigned officer to begin his public law placement prior to his inpatient treatment bed date, which was on March 6, 2020. Upon his arrival, he provided a urinalysis test. The test results were received on March 3, 2020, showing a positive result for methamphetamine. When he was confronted by this officer, he admitted to “screwing up” and using methamphetamine.

On October 16, 2019, Mr. Anderson signed his conditions relative to case number 2:16CR00037-TOR-1 acknowledging an understanding of his obligations to the Court. Specifically, he was advised of all mandatory, standard, and special conditions of his supervised release.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 03/10/2020

s/Corey M. McCain

Corey M. McCain
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☒ Other: Defendant to appear at scheduled Supervised Release/Status Hearing.



Thomas O. Rice
Chief United States District Judge
March 19, 2020

Date